

**REMARKS**

The claims have been amended to address the objections and §112 rejections, clarify the invention, and better define the invention over the art. Specifically, claims 1, 2 and 3 now clearly state that all of the insulation layers touch both the interlayer insulation film and the gate electrode. Claims 21-23 now state that "every said insulation film contacts every other said insulation film." New claims 24-41 have been added to further scope the invention. New claims 24-29 require a visor portion with an upper part with an isosceles-trapezoidal shape. New claims 30-41 require the visor portion that does not overhang the sidewall. None of these features is taught in the cited prior art and therefore these claims are all allowable.

Turning to the art rejections, the rejection of claims 1, 3, 4, 6, 7, 9, 11, 13, 14, 16 and 21 under 35 USC § 102 as being anticipated by Iguchi et al. (U.S. Patent No. 5,734,185) is improper because Iguchi et al. does not teach every element of Applicant's claimed invention. Independent claims 1 and 3 require that all of the insulating film contacts both the interlayer insulation and the gate electrode. [Insulation layer 16a in Iguchi et al. does not touch the interlayer insulation 33.] Independent claim 21 requires that all of the insulation layers touch one another. In Iguchi et al., insulation layer (2) does not touch insulation layers (16a or 5), and insulation layer 3 does not touch insulation layer 16a. <sup>→ Iguchi</sup> Therefore, Iguchi et al. does not anticipate independent claims 1, 3 and 21, nor any of the claims dependent thereon.

The rejection of claims 2, 5, 8, 10, 12, 15 and 22 under 35 USC § 103(a) as being unpatentable over Iguchi et al. in view of Kim (U.S. Patent No. 6,204,538) is improper because the combination of Iguchi et al. and Kim does not teach or suggest Applicant's claimed

HAYES SOLOWAY P.C.  
130 W. CUSHING ST.  
TUCSON, AZ 85701  
TEL. 520.882.7623  
FAX. 520.882.7643

175 CANAL STREET  
MANCHESTER, NH 03101  
TEL. 603.668.1400  
FAX. 603.668.8567

invention. Independent claims 2 and 22 are similar to claims 1 and 21, respectively. The deficiencies of Iguchi et al. vis-à-vis claims 1 and 21 are discussed above. Iguchi et al. is similarly deficient vis-à-vis claims 2 and 21. Kim does not provide the missing teachings. Kim does not teach that all of the insulation layer insulating films contact both the interlayer insulation and the gate electrode (claim 2) or the insulation layers touch one another (claim 21). Therefore, no combination of Iguchi et al. and Kim can achieve or render obvious independent claims 2 and 21, or any of the claims dependent thereon.

It is noted no art rejection has been raised vis-à-vis claim 23. Thus, it is believed claim 23 is allowable.

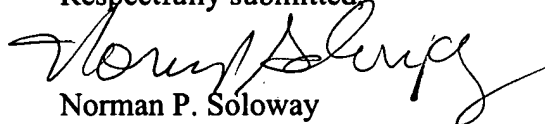
Non-elected claims 17-20 have been cancelled and are being pursued in a divisional application.

A credit card payment Form PTO-2038 authorizing a charge of \$682.00 in payment of the added claims accompanies this Amendment.

Having dealt with all of the objections raised by the Examiner, the Application is believed to be in order for allowance. Early and favorable action are respectfully requested.

In the event there are any fee deficiencies or additional fees are payable, please charge them (or credit any overpayment) to our Deposit Account No. 08-1391.

Respectfully submitted,



Norman P. Soloway  
Attorney for Applicant  
Reg. No. 24,315

HAYES SOLOWAY P.C.  
130 W. CUSHING ST.  
TUCSON, AZ 85701  
TEL. 520.882.7623  
FAX. 520.882.7643

175 CANAL STREET  
MANCHESTER, NH 03101  
TEL. 603.668.1400  
FAX. 603.668.8567

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 22, 2003, at Tucson, Arizona.

By: Najat M. Halame

NPS/WPO:nm

**HAYES SOLOWAY P.C.**

130 W. CUSHING ST.  
TUCSON, AZ 85701  
TEL. 520.882.7623  
FAX. 520.882.7643

175 CANAL STREET  
MANCHESTER, NH 03101  
TEL. 603.668.1400  
FAX. 603.668.8567